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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,876	10/12/2001	Michael Raymond Corner	0656-0252P	8787

2292 7590 03/17/2004

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EXAMINER
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JOHNSTONE, ADRIENNE C

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/974,876

Applicant(s)

CORNER ET AL.

Examiner

Adrienne C. Johnstone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 2, 6 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 7 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/112,313.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election with traverse of the species of Figure 3b and Figure 2, claims 1, 3-5, 7, and 9 in Paper No. 5 is acknowledged. The traversal is on the ground(s) that there is no serious burden. This is not found persuasive because the species are not related as defined in MPEP 806.04(b) and therefore serious burden is *prima facie* shown in the election of species requirement absent appropriate showings or evidence by applicants to the contrary (MPEP 803 and 808.01(a)).

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 2, 6, and 8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 5.

### *Priority*

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/112,313, filed on July 9, 1998.

### *Specification*

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The abstract of the disclosure is objected to because it is not limited to a single paragraph within the range of 50 to 150 words. Correction is required. See MPEP § 608.01(b).

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6. The disclosure is objected to because of the following informalities: applicants should update the status of the parent application and remove the improper cross-reference to a foreign application (MPEP 608.01) in the first sentence of the specification.

Appropriate correction is required.

7. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: SINGLE-STAGE METHOD OF FABRICATING RADIAL TIRE WITH BREAKER PLY EXTENDING BETWEEN BEAD REGIONS.

*Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(e) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 1, 3-5, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakasaki et al. (5,069,262) or, alternatively, European Patent Application 0 294 153 A1, in view of Hindin (3,373,066), Sidles et al. (3,486,546), Uotani et al. (3,525,654), Wood et al. (3,525,655), Gay (3,756,883), Auerbach et al. (3,916,969), and Wilson (3,901,751).

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The radial tire structure required by the claimed method is disclosed in Nakasaki et al. (col. 2 line 21 - col. 4 line 26 and Figure 1: additional reinforcing ply not shown in Figure 1) and EP '153 (p. 2 line 55 - p. 4 line 11 and Figure 2) for example, and it is notoriously well known to use the claimed single-stage ("flat band") method for such radial tires in order to reduce labor and machinery costs and to improve efficiency with respect to the conventional two-stage method, as evidenced by Hinden (entire document), Sidles et al. '546 (col. 1 line 28 - col. 3 line 21 and col. 3 line 65 - col. 4 line 69), Uotani et al. (col. 1 line 30 - col. 3 line 75 and col. 4 line 56 - col. 5 line 46), Wood et al. (entire document), Gay (entire document), Auerbach et al. (col. 1 line 5 - col. 2 line 2 and col. 4 line 54 - col. 5 line 19), and Wilson (entire document) for example. It would therefore have been obvious to one of ordinary skill in the art to manufacture the prior art radial tire exemplified by Nakasaki et al. and EP '153 using such a notoriously well known single-stage technique in order to reduce labor and machinery costs and to improve efficiency with respect to the conventional two-stage method.

*Allowable Subject Matter*

11. Favorable consideration would be given to claim 1 with the additional limitation that the radial bias angle of the carcass reinforcing cords in the vulcanized tire changes progressively from 90° in the regions of the bead hoops to as low as 70° in the central crown region (specification p. 13 line 9 - p. 14 line 15); although it is known to use the single-stage technique to make radial tires with lower carcass cord angles in the central crown region, as evidenced by Travers (3,327,753) for example, the prior art of record fails to suggest using the single-stage technique to make radial tires wherein the radial bias angle of the carcass reinforcing cords in the vulcanized tire changes progressively from 90° in the regions of the bead hoops to as low as 70° in the central crown region.

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*Conclusion*

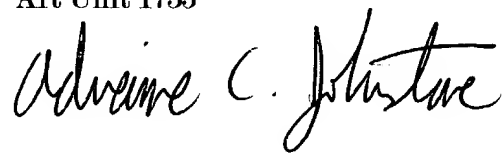
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adrienne C. Johnstone whose telephone number is (571)272-1218.

The examiner can normally be reached on Monday-Friday, 10:30AM-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571)272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Adrienne C. Johnstone  
Primary Examiner  
Art Unit 1733



Adrienne Johnstone

March 8, 2004